

1 **STIP**
2 **BRIAN J. SMITH, ESQ.**
3 **State Bar Number 11279**
4 **9525 Hillwood Dr., Suite 190**
5 **Las Vegas, Nevada 89134**
6 **702-380-8248**
7 **brian@bjsmithcriminaldefense.com**
8 **Attorney for MOGAVERO**

9 **UNITED STATES DISTRICT COURT**
10 **IN AND FOR THE DISTRICT OF NEVADA**

11 UNITED STATES OF AMERICA,)	
)	
12 Plaintiff,)	
)	Case No.: 2:15-cr-00074-JAD-NJK
13 vs.)	
)	
14 KELLY MOGAVERO,)	STIPULATION TO CONTINUE
)	HEARING REGARDING REVOCATION
15 Defendant.)	OF SUPERVISED RELEASE
)	
)	(FIRST REQUEST)

16 *Certification:* This stipulation is filed pursuant to General Order 2007-04.

17 IT IS STIPULATED between the defendant KELLY MOGAVERO through his
18 attorney BRIAN J. SMITH, ESQ., and the United States of America, through SUSAN
19 CUSHMAN, Assistant United States Attorney, that the hearing regarding revocation of
20 supervised release currently scheduled for June 6, 2017, at the hour of 10:00 a.m., be
21 vacated and set to a date and time convenient to this court, but no event earlier than
22 fourteen (14) days.

23 This Stipulation is entered into pursuant to General Order 2007-04 and based
24 upon the following:

- 25 1. There have been no previous continuances granted to the defense in this
26 case.
- 27 2. Defense counsel was appointed on May 20, 2015.
- 28 3. The parties require more time to work towards a resolution of this matter.
4. The parties agree to the continuance.

- 1 5. Denial of this request for continuance would deny the defendant sufficient
2 time to be able to fairly resolve his case, taking into account the exercise of
3 due diligence.
4 6. Also, denial of this request or continuance would result in a miscarriage of
5 justice.
6 7. For the above stated reasons, the parties agree that a continuance of the
7 hearing date would best serve the ends of justice in this case.
8 8. This is the first request for a continuance on the hearing regarding
 revocation of supervised release in this case.

9 DATED this 5th day of June, 2017.

10 RESPECTFULLY SUBMITTED BY:

11
12 /s/ Susan Cushman
13 SUSAN CUSHMAN
14 Assistant United States Attorney

 /s/ Brian J. Smith
 BRIAN J. SMITH
 Attorney for MOGAVERO

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10 **UNITED STATES DISTRICT COURT**
11 **IN AND FOR THE DISTRICT OF NEVADA**

12 **UNITED STATES OF AMERICA,**)
13)
14 **Plaintiff,**)
15)
16 **vs.**)
17)
18 **KELLY MOGAVERO,**)
19)
20 **Defendant.**)

21 **Case No.: 2:15-cr-00074-JAD-NJK**

22 **STIPULATION TO CONTINUE**
23 **HEARING REGARDING REVOCATION**
24 **OF SUPERVISED RELEASE**

25 **(FIRST REQUEST)**

26 **FINDINGS OF FACT**

27 Based upon the submitted Stipulation, and good cause appearing therefore, the
28 Court finds that:

1. The parties require more time to work towards a resolution of this matter.
2. This stipulation complies with General Order 2007-04.


29 **CONCLUSIONS OF LAW**

1. Denial of this request for continuance would deny the defendant sufficient time to be able to fairly resolve his case, taking into account the exercise of due diligence
2. Additionally, denial of this request for continuance would result in a miscarriage of justice.
3. This is the first request for a continuance.

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ORDER

IT IS ORDERED that the revocation of supervised release currently scheduled for June 6, 2017, at the hour of 10:00 a.m., be vacated and continued to June 20, 2017 at the hour of 9:00 a.m.



UNITED STATES DISTRICT JUDGE

DATED: 6/5/2017